

110/02239 A02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8/B  
JG  
6-23-03

Applicant: O. GLOBERMAN et al.  
Serial Number: 09/890,172  
Filed: July 25, 2001  
For: EXPANDABLE INTERVERTEBRAL SPACER  
Art Unit: 3738  
Examiner: Gilpin, Crystal M.

RECEIVED

JUN 18 2003

TECHNOLOGY CENTER R3700

Mail Stop Non-Fee Amendment  
Honorable Commissioner of Patents and Trademarks  
P.O.Box 1450, Alexandria  
VA 22313-1450

**AMENDMENT**

Sir:

In response to an office action dated March 12, 2003, kindly amend the application as follows:

**IN THE SPECIFICATION**

Attached are marked up paragraphs on separate sheets.

**IN THE CLAIMS**

Attached is a listing of the claims in accordance with the revised format of amending.

Claims 73, 74 and 103 are currently amended.

**REMARKS**

The present response is in response to an office action dated March 12, 2003, and further taking into consideration the telephonic interview from April 10, 2003. The applicants thank the Examiner for the telephonic interview.

The present application comprises claims 1-124 of which claims 1 and 113 are independent claims. This response refers primarily to the independent claims. The patentability of the dependent claims follow at least for the reason of being dependent on an independent claim that is patentable. The applicants reserve the right to argue them later.

In the telephonic interview the language of claim 1 was discussed and the applicants representative became aware of a misunderstanding which exists regarding this claim. However, during the interview no agreement was reached regarding claim 1 in view of the art and in view of